

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Install ground mounted solar panel array and associated works to north-east of site.

LOCATION: Guernsey Clematis Nursery Ltd, Braye Vinery, La Route Militaire, Vale.

APPLICANT: Guernsey Clematis Nursery Ltd

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 31/07/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 08/05/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Paul Vaudin & Associates Ltd: 25-001-01.
Q Peak Duo Black M-G11+ Series information sheet and
Modular Ground Mount Options details.

Application Ref: FULL/2025/0679

Property Ref: C012780000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Notwithstanding the detail shown on the approved plans, prior to installation, further details of the proposed solar panels including the number of panels, location and cross section of the panels to show the angle of tilt, must be submitted to and agreed in writing by the Authority. The panels shall be installed in accordance with the approved details.

Reason - In the interests of residential and visual amenity.

5. Within 2 months of the solar panels being no longer required, the solar panels, cables and all ancillary development shall be removed from the site and the land restored to its former state.

Reason - In the interest of visual amenity and to ensure the land is suitably restored.

6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - To protect the amenity of nearby residential dwellings.

7. No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and

adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. Prior to the installation of the solar panels, a landscaping scheme detailing the native hedge planting to take place to the eastern boundary of the solar array, including the location proposed, along with the size, number and density of the plants shall be submitted to the Authority and agreed in writing. The applicant is advised that the proposed new hedge should be located to the eastern side of the approved fencing.

Reason - To help assimilate the development into its surroundings.

9. The landscaping proposed shall take place in the first planting season following the installation of the solar array. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings.

Expiry Date: This permission will cease to have effect on 30/07/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With reference to condition 7 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service

PLANNING APPLICATION REPORT

Application No: FULL/2025/0679
Property Ref: C012780000
Valid date: 08/05/2025
Location: Guernsey Clematis Nursery Ltd Braye Vinery La Route Militaire
Vale Guernsey
Proposal: Install ground mounted solar panel array and associated
works to north-east of site.
Applicant: Guernsey Clematis Nursery Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Notwithstanding the detail shown on the approved plans, prior to installation, further details of the proposed solar panels including the number of panels, location and cross section of the panels to show the angle of tilt, must be submitted to and

agreed in writing by the Authority. The panels shall be installed in accordance with the approved details.

Reason - In the interests of residential and visual amenity.

5. Within 2 months of the solar panels being no longer required, the solar panels, cables and all ancillary development shall be removed from the site and the land restored to its former state.

Reason - In the interest of visual amenity and to ensure the land is suitably restored.

6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Reason - To protect the amenity of nearby residential dwellings.

7. No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of

the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. Prior to the installation of the solar panels, a landscaping scheme detailing the native hedge planting to take place to the eastern boundary of the solar array, including the location proposed, along with the size, number and density of the plants shall be submitted to the Authority and agreed in writing. The applicant is advised that the proposed new hedge should be located to the eastern side of the approved fencing.

Reason - To help assimilate the development into its surroundings.

9. The landscaping proposed shall take place in the first planting season following the installation of the solar array. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To help assimilate the development into its surroundings.

INFORMATIVES

With reference to condition 7 a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above

condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

OFFICER'S REPORT

Site Description:

The site is located to the west of Route Militaire and is occupied by Guernsey Clematis Nursery. The site is located Outside of the Centres and within the Agriculture Priority Area as defined in the Island Development Plan and is bounded by an Area of Biodiversity Importance to the northwest of the site.

Relevant History:

N/A

Existing Use(s):

28 Agriculture

Brief Description of Development:

The proposal is for the installation of a ground mounted solar array to the northeast of the site, close to the boundary with Route Militaire. The proposal includes the gravelling of the surface and positioning of 8 banks of 10x solar panels which run east to west. The proposal also includes the planting of a native species hedge screen to the east boundary, with no enclosure proposed to the south or west of the array.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

OC5(A) – Agriculture Outside of the Centres – within the Agriculture Priority Areas
OC6 - Horticulture Outside the Centres
GP1 - Landscape Character and Open Land
GP8 - Design
GP9 - Sustainable Development
IP1- Renewable Energy Production

Representations:

N/A

Consultations:

The Office of Environmental Health and Pollution Regulation:

I have reviewed the proposed plans for the solar array at Guernsey Clematis which were received by email on 12th May 2025 and there are a number of issues of

concern that I must raise. There have been previous greenhouses on the site directly where the solar panels are suggested. Reviewing the records I can see these we also heated. As such I would have concerns of contamination from hydrocarbons. I would also have concerns for contamination from the horticultural itself, specifically contamination from metals, specifically but not limited to lead. I would also have concerns from contamination from pesticides. As such I believe the below contaminated land condition should be applied to the site.

Considering the electrical components of the solar array I would also have concerns for the possibility of low frequency noise. As such I believe the below Control of noise level of plant/machinery condition should be applied.

I have concerns for the possibility of glint, glare and reflections caused by the solar array. However, at present there is insufficient information to be able to comment on this. We would therefore welcome a glint and glare assessment that takes account of receptors and should consider seasonal variations in solar position. There are no details of proposed mitigation measures including anti-glare coating etc.

Control of noise level of plant/machinery

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014+A1:2019.

Potential Land Contamination:

Please note this is one condition with multiple sub-sections:

- (i) No development shall commence on site (including demolition and site works) until there has been submitted to and approved in writing by the Authority:

(a) A desktop study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Land Contamination Risk Management (LCRM) and BS10175:2001+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice;

and unless otherwise agreed in writing by the Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

(ii) If determined to be required the development hereby permitted shall not be occupied or brought into use until there has been submitted to the Authority verification by a competent person approved under the provisions of subsection (i)c of this condition that any remediation scheme required and approved under the provisions of subsection (i)c of this condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Authority in advance of implementation). Unless otherwise agreed in writing by the Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;*
- b) photographs of the remediation works in progress;*
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.*

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under subsection (i) c. of this condition”

Informatives/Advice Notes

With reference to condition X a desktop study shall be the very minimum standard accepted. Pending the results of the desktop study, the applicant may have to satisfy the requirements of criteria (b) and (c) of that condition, however, this will all be confirmed in writing.

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy.

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

It is strongly recommended that in submitting details in accordance with the above condition that the applicant has reference to Land Contamination risk management available at <https://www.gov.uk/guidance/land-contamination-risk-management>.

Further comments:

I have reviewed the “JA Solar Declaration of low-reflection modules” and the “JA Solar Module’s Reflectivity Analysis” received via post on 16th June 2025. While these documents are not the glint and glare assessment that was requested that takes account of receptors and should consider seasonal variations in solar position. We

have no further objections to this application based on the alternative information received.

I would be grateful if these issues are considered during the determination of this application.

ACLMS:

Thank you for consulting with ACLMS on the application to install a solar panel array at Guernsey Clematis.

The installation is small in scale and is not likely to impact on designated sites or any species or habitats of conservation importance. We therefore do not wish to provide any comments or recommendations on this application.

Guernsey Airport:

No objection to the proposal.

Summary of Issues:

The main issues in the consideration of this application include the principle of the development in this location, along with the impact on neighbours and amenity and biodiversity implications.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

The proposal is located within an existing vinery site which has an established and ongoing horticultural use. Policy OC6 supports proposals for new glasshouses, extensions, alterations, or other works to existing glasshouses or buildings, or ancillary or ordinarily incidental development associated with existing commercial horticultural holdings, where the site forms part of an existing commercial holding which is in operation. The holding should be considered to make, or be capable of making, a material contribution to the horticultural industry and is likely to continue to do so for the foreseeable future by virtue of its sustainability for commercial operations. In addition, on cessation of use, or when no longer required, any new structures permitted under this policy shall be totally removed and the land restored to other types of agricultural use or a use acceptable under the policies of the Island Development Plan; and the development proposed is ancillary or incidental and essential to the operation of an existing holding.

The application includes information to demonstrate that the site is in an existing commercial use as the main production site for Guernsey Clematis and also the

Raymond J. Evison Breeding Company, and information to demonstrate that it makes a material contribution to the horticultural industry, as one of the world's leading clematis production nurseries, employing 40 full time equivalent staff and producing over 2 million young plants for worldwide dispatch with substantial exports across the world. The Nursery continues to invest and upgrade its equipment to allow for further expansion and future growth, ensuring that the Nursery is likely to continue to operate for the foreseeable future by virtue of its sustainability for commercial operations. As considered above, a condition can be used to ensure the array, and all associated development will be removed and the land restored to its previous condition and agricultural use.

The proposed solar array will generate electricity for on-site use, mainly the running of horticultural production machinery and it is envisaged that the array will mean the site is largely self-sufficient in terms of energy, any excess will be sold to the grid but this is not the primary aim. It is therefore considered that the proposed development is ancillary and essential to the operation of the business into the future.

On this basis, the principle of the proposal is acceptable under Policy OC6. Consequently, the proposal also complies in principle with Policy OC5(A) relating to development within the Agriculture Priority Area.

Policy IP1 supports proposals for installations for the harnessing of renewable energy, and ancillary associated development where it can be incorporated into the built form of an existing or proposed development, located on brownfield land, or a redundant glasshouse site. In addition, the development must be of an appropriate scale and location, and only located where the site cannot positively contribute to the commercial agricultural use of an identified APA or cannot practically be used for commercial agriculture without adverse environmental impacts. Alternatively, the renewable energy infrastructure should be of a design that would allow agricultural activity to continue on the site.

The proposal is located within an existing vinery site which has an established and ongoing horticultural use, and so cannot be considered as a brownfield or redundant glasshouse site. This means the proposal does not strictly comply with this part of the policy and so the application includes a request to consider the use of this site as a minor departure to Policy IP1, which is considered reasonable in this case.

The IDP generally supports renewable energy where the visual impact is acceptable. Given the location of the proposed array adjacent to existing built form which also respects the building line of the ribbon development along Route Militaire, it is not considered to have a negative impact on the visual character of the locality.

The proposed solar array is not expected to have a significant impact on any residential neighbours, located approx. 10m away from the neighbour to the north, with the panels tilted away from the neighbour to ensure maximum solar gain they are not considered to have a significant visual impact, or in terms of glint/glare in short term views. They will also be largely obscured by the glasshouses to the south

in views from the south and southwest, with a commercial building to the southeast. Dwellings which lie further away to the southeast of the site are generally facing onto Route Militaire with main windows facing east/west and so the visual impact and any glint/glare from the panels is likely to be minimal. Environmental Health are satisfied with the information provided in this respect.

The visual impact of the proposed array is mitigated by the proposed planting to the eastern (road) side where native hedging is proposed to the inside (western side) of the existing 1.75m high chainlink fence. Additional details of this are to be requested, including the precise position as it would be more beneficial to be positioned to the eastern side of the fencing to provide an enhanced screen to the development.

The proposal, as a non-domestic installation for the production of energy, could require an Environmental Impact Assessment (EIA). ACLMs were consulted on this at pre-application stage and advised that the proposal only affects a limited area of the site, and this was historically used for glasshouses and hardstanding. It is also adjacent to a busy road which increases the background noise, and the development and its construction are unlikely to have a significant direct or indirect impact on the interests of the surrounding ABI and SSS.

For this reason, the screening of the application as presented, indicated that it would be considered minor in nature and incapable of having a significant adverse effect as per the EIA regulations, meaning that an EIA is not required.

It is therefore recommended that a minor departure from Policy IP1 is acceptable in this instance, and the proposal is recommended for approval, subject to relevant conditions.

Date: 31/07/2025

